

Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 EB-07 PM-03 L-02 CIAE-00 INR-05 NSAE-00

RSC-01 AF-04 /033 R

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DRAFTED BY DOD/ISA/NESA:TPIANKA:PM

11/27/74 EXT. 22660

APPROVED BY NEA/EGY:HFMATTHEWS

EB/OA/AVP:JSGRAVATT (PHONE)

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R 271836Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY CAIRO

INFO 21AF MCGUIRE AB NJ

AF/ACA DENVER CO

MAC SCOTT AFB IL

OASD/ISA/FMRA/NESA WASHDC

CSAF

C O N F I D E N T I A L STATE 261793

E.O. 11652: GDS

TAGS: MASS

SUBJECT: OVERFLIGHT FEES ASSESSED BY GOE AGAINST USAF

AIRCRAFT

REF: (A) USDAO CAIRO 131117Z SEP 74 (NOTAL)

(B) USDAO CAIRO 080801Z AUG 74 (NOTAL)

1. REF A REPORTED RECEIPT OF BILL FROM GOE IN AMOUNT OF APPROXIMATELY DOLS 2,128.52 FOR 34 USAF MAC C-141 OVERFLIGHTS IN JUNE 1974. REF A DOES NOT INDICATE PRECISE BASIS OF CHARGES LEVIED NOR MISSIONS OF AIRCRAFT INVOLVED. INFORMATION AVAILABLE TO USAF INDICATES THAT IN JUNE THERE WERE 36 C-141 OVERFLIGHTS IN SUPPORT OF PRESIDENT'S VISIT TO EGYPT, 4 FLIGHTS IN SUPPORT OF SUEZ CANAL CLEARANCE OR SALVAGE OPERATIONS (NIMBUS STAR/MOON) AND 19 OVERFLIGHTS TO OR FROM ETHIOPIA.

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2. THE UNITED STATES HAS CONSISTENTLY ADVOCATED THE INTER-

NATIONAL PRINCIPLE THAT STATE AIRCRAFT SHOULD BE EXEMPTED FROM TAXES, DUTIES AND SET FEES NORMALLY IMPOSED ON CIVIL AIRCRAFT, INCLUDING OVERFLIGHT CHARGES AND FEES FOR THE USE OF FIXED FACILITIES SUCH AS NAVIGATIONAL AIDS AND RUNWAYS. STATE AIRCRAFT ARE NORMALLY REQUIRED TO PAY ONLY FOR SERVICES RENDERED TO THEM AS A RESULT OF AN EXPRESS REQUEST OF THE AIRCRAFT COMMANDER OR OTHER COMPETENT AUTHORITY (E.G., CHARGES FOR SERVICING OR MAINTENANCE OF AIRCRAFT, TOWING CHARGES, SPECIAL AIRPORT CHARGES SUCH AS FOR TURNING ON AIRPORT LIGHTS FOR A NIGHT LANDING).

3. UNDER INTERNATIONAL PRINCIPLE REFERRED TO IN PARA 2 ABOVE, IT WOULD BE PARTICULARLY INAPPROPRIATE FOR GOE TO ASSESS OVERFLIGHT CHARGES IN CONNECTION WITH VISIT OF A HEAD OF STATE. INSO FAR AS FLIGHTS IN SUPPORT OF CANAL CLEARANCE OR SALVAGE OPERATIONS ARE CONCERNED, PARA 5.A. OF SUEZ CANAL CLEARANCE AGREEMENT (WHICH ALSO APPLIES MUTATIS MUTANDIS TO SALVAGE AGREEMENT) PROVIDES THAT QUOTE VESSELS AND AIRCRAFT ASSIGNED TO OR SUPPORTING THE FORCE MAY FREELY ENTER AND DEPART TERRITORIAL WATERS, PORTS AND AIRFIELDS OF THE ARAB REPUBLIC OF EGYPT, WITHOUT PAYMENT OF FEES OR CHARGES. UNQUOTE. THUS, IF CHARGES REFERRED TO IN REF A WERE ASSESSED AGAINST C-141 FLIGHTS IN SUPPORT OF PRESIDENT'S JUNE VISIT OR CANAL CLEARANCE OR SALVAGE OPERATIONS, STRONG BASIS EXISTS FOR OBTAINING EXEMPTION FROM GOE FOR CHARGES.

4. REF B REPORTED RECEIPT OF BLANKET CLEARANCE FROM GOE FOR MAC FLIGHTS OVERFLYING EGYPT ENROUTE TO ETHIOPIA OR JORDAN. ALTHOUGH REF B DOES NOT INDICATE TERMS AND CONDITIONS OF BLANKET CLEARANCE, UNDER INTERNATIONAL PRINCIPLE DISCUSSED IN PARA 2 ABOVE, EXEMPTION FROM OVERFLIGHT CHARGES FOR SUCH MAC FLIGHTS WOULD BE APPROPRIATE.

5. REQUEST EMBASSY'S VIEWS ON FEASIBILITY OF APPROACH TO GOE SEEKING EXEMPTION FROM OVERFLIGHT CHARGES ON GROUNDS OUTLINED ABOVE. IF INFORMATION IS AVAILABLE, REPLY SHOULD INDICATE ON WHAT BASIS CHARGES WERE COMPUTED AND THE MISSIONS OF THE 34 AIRCRAFT INVOLVED (I.E., PRESIDENTIAL VISIT, NIMBUS STAR/MOON, OVERFLIGHTS TO ETHIOPIA, OR OTHER).

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY AIRCRAFT, FEES, AIRCRAFT OVERFLIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE261793
Document Source: CORE
Document Unique ID: 00
Drafter: TPIANKA:PM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740345-0875
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974116/aaaaaezm.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) USDAO CAIRO 131117Z SEP 74 (NOTA, L)
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 14 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14-Aug-2002 by martinml>; APPROVED <12 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OVERFLIGHT FEES ASSESSED BY GOE AGAINST USAF AIRCRAFT
TAGS: MASS, EG, US
To: CAIRO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005